

RECEIVED  
CENTRAL FAX CENTER

APR 02 2004

9360 Towne Centre Drive  
San Diego, CA 92121  
858-552-2200 (General #)  
858-552-1936 (LEGAL FAX)

OFFICIAL

## FACSIMILE TRANSMISSION

TO: Examiner Karen Cochrane Carlson FAX NO.: (703) 872-9306

FROM: James E. Butler PHONE NO.: (858) 458-8564  
Reg. No. 40,931 FAX NO.: (858) 552-1936

cc: Milan Vinnola, Arnold & Porter FAX NO.: (202) 942-5999

DATE: April 2, 2004

RE: Serial No. 09/889,330

Number of pages being transmitted (including this cover sheet): 2  
including:  
Response to Restriction Requirement (1 pg.)

If you do not receive all of the pages, please call Cassandra Peters at 858-458-8465. Thank you.

**PLEASE DELIVER IMMEDIATELY!**

*This facsimile and the information it contains are intended to be a confidential communication only to the person or entity to whom it is addressed. If you have received this facsimile in error, please notify us by telephone and return the original fax to this office by mail.*

**COMMENTS:**

**Please acknowledge receipt by signing and faxing back a copy of this transmittal form. Thank you.**

Received: \_\_\_\_\_ Time: \_\_\_\_\_

Patent  
Atty Docket No. 249/146US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kolterman et al.

Serial No.: 09/889,330

Filed: December 27, 2001

For: Novel Exendin Agonist Formulations and Methods of Administration Thereof

Examiner: Samuel W. Liu

Group Art Unit: 1653

Confirmation No.: 2741

**Response to Restriction Requirement**

To the Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

In response to the Office action mailed March 5, 2004 requiring restriction under 35 U.S.C. 121 and 372, Applicants hereby elect Group I, claims 1-42, drawn to pharmaceutical compositions comprising an exendin or an exendin agonist peptide.

Applicants believe that no fee is due in connection with this response. If Applicants are in error, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment during the pendency of this application to Deposit Account No. 01-0535.

Respectfully submitted,



James E. Butler, Ph.D., Reg. No. 40,931  
Amylin Pharmaceuticals, Inc.  
9360 Towne Centre Drive  
San Diego, CA 92121  
(858) 458-8564

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the above Response to Restriction Requirement in the application of Kolterman et al., Serial No. 09/889,330, filed December 27, 2001, is being submitted to the Commissioner for Patents, Washington DC by facsimile transmission to telephone number 703-872-9306 on this 2nd day of April, 2004.



Cassandra Peters